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Docket 15
Km 5202

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

29 DEC 1993

IN REPLY REFER TO:

7310-15-1700A1

Honorable Sam Nunn
United States Senator
75 Spring Street, S.W.
Suite 1700
Atlanta, Georgia 30303

RECEIVED

FEB - 1 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator Nunn:

This is in response to your letter dated November 18, 1993, requesting information regarding an FCC rule making proceeding concerning use of the 902-928 MHz band. Your inquiry was prompted by correspondence from your constituent, Mr. P. Stuckey McIntosh, Chairman of Gambatte Digital Wireless, expressing concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. The following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice of Proposed Rule Making adopted in this proceeding.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. 93-61 the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rule Making, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles.

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Honorable Sam Nunn

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The Commission also recognizes the difficulty various users, including your constituent, may have in sharing this band and have therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

Approximately 85 entities filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission gives full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you for your interest in this matter. I trust this is responsive to your concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph A. Haller", written over a horizontal line.

Ralph A. Haller

Chief, Private Radio Bureau

cc:

Chief, PRB

LM&M Division File

Dockets (2), Room 222

Rules Branch Chron File

File Copy (Originator)

SSharkey:sf/lm:PR-wp

CONGRESS/9304909

DRAFT LETTER TO CHAIRMAN QUELLO

James H. Quello
Chairman
Federal Communications Commission
Room 802
1919 M Street, NW
Washington, D.C. 20554

Dear Commissioner Quello:

I am writing in regard to the FCC proposed rulemaking that would greatly expand the current interim rules regarding automatic vehicle and location monitoring in the 900 MHz band.

These rules, if enacted, would have a serious impact on the viability of the Part 15 industry, a multi-million dollar segment of the wireless industry. The part 15 industry, is composed of dozens of companies, large and small, that in good faith invested millions of dollars on advanced research and development and production in the 900 MHz Part 15 band. The investment was encouraged by Commission rulings opening up this band to unlicensed operation.

The flexible rules for unlicensed operation attracted small high-technology entrepreneurs. In fact, many of the new and innovative wireless technology advances of the last several years, such as spread spectrum, have begun commercialization in this band. This band is the one place that U.S. technology has an advantage over foreign developed technology. For example, consumer products, like digital spread spectrum cordless telephones, and commercial products, like utility metering devices, are able to take advantage of the unique characteristics of this band. Significantly, U.S. developed technology is the underlying basis of most of these products.

In contrast, the technology base of the vehicle monitoring and location service proposed by the FCC is foreign developed and the main beneficiaries of the manufacturing segment will be foreign companies.

Historically, the FCC placed licensed services in exclusive spectrum, especially a service, which will be widely offered to the public. To introduce such a service in an unlicensed band with little consideration of the interference impact on current products and the users of those products does a disservice to both the location monitoring users and the Part 15 industry. Placing the licensed location and monitoring service in the same band with a maturing unlicensed Part 15 industry will ensure the destruction of one or both of these activities.

I am requesting that the Commission explore all available alternatives in this proceeding and take whatever measures are necessary to ensure that Part 15 equipment developers and users of their equipment are not disadvantaged by Commission action.

Sincerely,

DRAFT LETTER TO COMMISSIONER BARRETT

Andrew C. Barrett
Commissioner
Federal Communications Commission
Room 802
1919 M Street, NW
Washington, D.C. 20554

Dear Commissioner Barrett:

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Sincerely,

DRAFT LETTER TO COMMISSIONER DUGGAN

Ervin S. Duggan
Commissioner
Federal Communications Commission
Room 832
1919 M Street, NW
Washington, D.C. 20554

Dear Commissioner Duggan:

I am writing in regard to the FCC proposed rulemaking that would greatly expand the current interim rules regarding automatic vehicle and location monitoring in the 900 MHz band.

These rules, if enacted, would have a serious impact on the viability of the Part 15 industry, a multi-million dollar segment of the wireless industry. The part 15 industry, is composed of dozens of companies, large and small, that in good faith invested millions of dollars on advanced research and development and production in the 900 MHz Part 15 band. The investment was encouraged by Commission rulings opening up this band to unlicensed operation.

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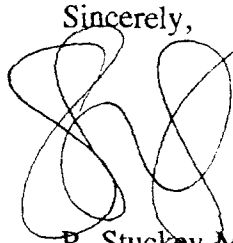
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I am requesting that the Commission explore all available alternatives in this proceeding and take whatever measures are necessary to ensure that Part 15 equipment developers and users of their equipment are not disadvantaged by Commission action.

Sincerely,

In view of the importance of these issues, we request you contact the Chairman and Commissioners of the FCC and express your concern over this needless disruption of a vital industry. For your convenience, I've taken liberty to enclose a draft which you may wish to use.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

P. Stuckey McIntosh
Chairman

cc: Buck Clonts

enclosure

SAM NUNN, GEORGIA, CHAIRMAN

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United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

November 18, 1993


Ms. Laura J. Belvin, Acting Director
Office of Legislative Affairs
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Dear Ms. Belvin:

I recently received the enclosed inquiry from one of my constituents. Please review the matter thoroughly, in accordance with established policies and procedures, and provide me with a full report.

I look forward to hearing from you in the very near future.

Sincerely,



Sam Nunn

Enclosure

SN/cja

PLEASE REPLY TO:
75 Spring Street, S.W.
Suite 1700
Atlanta, Ga. 30303
Attn: Corey Anderson

AZ

Gambatte Digital Wireless

1442 Tullie Road, NE
Atlanta, GA 30329 USA

Tel: (404) 325-4843 Fax: (404) 315-6800 93 OCT 33 AM 9:09

October 28, 1993

Sam Nunn
United States Senate
Dirksen Building SD-303
Washington, D.C. 20510

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Dear Mr. Nunn,

Founded in 1987, Gambatte is one of the oldest developers of spread spectrum products and technologies for consumer and commercial applications. Gambatte's technical expertise spans many disciplines: spread spectrum communications systems, RF design, receiver and transmitter design, digital communications, digital hardware, software, digital audio, telephony, and antenna design.

Several years ago the FCC encouraged entrepreneurial companies, like ours, to develop state-of-the-art technologies to operate "license-free" in the 900 MHz Part 15 band. Our company responded and today we employ 25 people in the district working directly on research, development, engineering and manufacturing of products based on U.S. technology. Now the FCC proposes to change the rules to the disadvantage of U.S. technology manufacturing firms and to the direct benefit of foreign technology and foreign manufacturers.

The FCC proposes to permit PacTel Teletrac to deploy high-powered, licensed technology (foreign developed) in over 60% of the spectrum currently occupied by Part 15 equipment. These changes, if implemented, will cause mutual interference to all Part 15 users as well PacTel customers. This interference will have a chilling effect on our marketplace and a corresponding effect on our business.

The Part 15 industry is made up generally of small U.S. domestic telecommunications manufacturing companies. It represents, nationwide, over 2 billion dollars in R&D investment, manufacturing and sales. The Commission's proposed action will seriously undermine this domestic industry. The impact on our company alone could result in loss of sales, reduction in work force, loss of existing R&D investment and loss of access to future capital.